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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,774	01/16/2002	Raymond T. Hsu	PA020106	1529

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Qualcomm Incorporated
Patents Department
5775 Morehouse Drive
San Diego, CA 92121-1714

EXAMINER

ESCALANTE, OVIDIO

ART UNIT PAPER NUMBER

2645

DATE MAILED: 11/07/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

1/61

Office Action Summary

Application No.

10/051,774

Applicant(s)

HSU ET AL.

Examiner

Ovidio Escalante

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2,4</u> . | 6) <input type="checkbox"/> Other: |

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DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statements submitted on January 16, 2002 and June 16, 2003 was received. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly the information disclosure statement is being considered by the examiner.

Drawings

2. The drawings submitted on January 16, 2002 have been approved by the draftsman.

3. For applicant's convenience, the Examiner has provided the corresponding English citation which was derived from EP 185125 A1. The reference is noted with the "¶" notation and is inserted after the Japanese citation.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1-3, 5-7, 14-16, 17, 19-21, 26-28, 29, 31-33, 36 and 37 are rejected under 35

U.S.C. 102(a) as being anticipated by Sato et al. WO 01/80590 A1.

Regarding claims 1 and 38, Sato teaches in a wireless communication system and apparatus supporting a broadcast service, (abstract; fig. 24), a method and means for:

providing a service ID to identify the broadcast service, (fig. 25; page 38, line 17-page 39, line 2; [¶185, ¶186]);

sending the service ID to a base station (fig. 25; 110-1; page 38, lines 17-23; [¶185]);

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configuring a broadcast service parameters message at the base station that includes the service ID, (page 38, line 17-page 39, line 2; page 40, lines 25-page 41, line 5; [¶185, ¶186, ¶195]);

transmitting the broadcast service parameters message to a mobile station (120), (page 32, line 24-page 33, line 1; page 38, line 17-page 39, line 2; page 40, line 25-page 41, line 5; [¶155, ¶185, ¶186, ¶197]); and

using the service ID in the broadcast service parameters message at the mobile station to determine availability of the broadcast service in an adjacent sector, (page 29, lines 7-10; page 40, lines 25-page 41, line 5; [¶59, ¶197]).

Regarding claim 2, Sato teaches wherein the broadcast service is transmitted by a content server, (page 24, lines 17-24; [¶112]).

Regarding claim 3, Sato teaches wherein the broadcast service has a service name (program title), (fig. 25).

Regarding claim 5, 19 and 31, Sato teaches wherein the service ID is a globally unique service ID issued by a global issuer, (fig. 2; page 4, lines 13-26; [¶15]; servers 251, 252, 253 issue a unique service ID to other servers).

Regarding claims 6, 14, 26 and 36, Sato teaches wherein the service ID comprises a Broadcast/Multicast Service ID (BCMCS_ID), (fig. 25; page 38, line 24-page 39, line 2; [¶186]).

Regarding claims 7, 21 and 33, Sato teaches associating an IP multicast address and UDP port number with the BCMCS_ID, (fig. 25; page 38, line 24-page 39, line 2; [¶186]).

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Regarding claim 15,27 and 37, Sato teaches wherein the BCMCS_ID is a dual BCMCS_ID comprising a global indicator to indicate uniqueness of the BCMCS_ID, (fig. 25; page 38, line 24-page 39, line 2; [¶186]).

Regarding claim 16, Sato teaches a base station (110-1) for use in a wireless communication system supporting a broadcast service, (abstract; fig. 24), wherein the base station is receiving a first broadcast service identified by a first service ID, and wherein the base station has a neighbor base station receiving a second broadcast service identified by a second service ID, (fig. 24; page 40, lines 25-page 41, line 5; page 42, lines 22-page 43, line 1; [¶197, ¶206]), and wherein the base station is configured to implement a method comprising:

receiving the second service ID that identifies the second broadcast service, (page 40, line 25-page 41, line 5; [¶197]);

configuring neighbor configuration data that relates to the second broadcast service, (page 40, line 25-page 41, line 5; page 42, lines 1-6; [¶197, ¶202]);

configuring a broadcast service parameters message that includes the second service ID and the neighbor configuration data, (page 42, lines 22-page 43, line 20; [¶206-¶209]); and

transmitting the broadcast service parameters message to a mobile station currently receiving the first broadcast service, (page 32, line 24-page 33, line 1; page 40, line 25-page 41, line 5; page 42, line 22-page 43, line 1; [¶155, ¶197, ¶206]).

Regarding claims 17 and 29, Sato teaches wherein the first broadcast service and the second broadcast service are transmitted by content servers, (fig. 3; page 3, line 29-page 4, line 8; page 24, lines 17-24, [¶13, ¶112]).

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Regarding claims 20 and 32, Sato teaches wherein the first service ID comprises a first BCMCS_ID and wherein the second service ID comprises a second BCMCS ID, (page 38, line 24-page 39, line 2; [¶186]).

Regarding claim 28, Sato teaches a mobile station (120) for use in a wireless communication system supporting a broadcast service, wherein the mobile station is in a first sector of a first base station approaching a second sector of a second base station, (page 40, line 25-page 41, line 5; page 42, line 22-page 43, line 1; [¶197, ¶206]) and wherein the mobile station is configured to implement a method comprising:

receiving a first broadcast service identified by a first service ID from the first base station, (page 32, line 24-page 33, line 1; page 38, line 17-page 39, line 2; page 40, line 25-page 41, line 5; page 42, line 22-page 43, line 1, [¶155, ¶197, ¶206]);

receiving a broadcast service parameters message that includes a second service ID and neighbor configuration data, wherein the second service ID identifies a second broadcast service available in the second sector, (page 40, line 25-page 41, line 5; page 42, line 22-page 43, line 1; [¶197, ¶206]);

examining the neighbor configuration data that relates to the second broadcast service, (page 40, line 25-page 41, line 5; page 42, line 22-page 43, line 8; [¶197, ¶206-¶207]); and

determining, based on the neighbor configuration data, whether the first service ID and the second service ID identify the same broadcast content whereby reception of the broadcast content is continued in the second sector, (page 40, line 25-page 41, line 5; page 42, line 22-page 43, line 20; [¶197, ¶206-¶209]).

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Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 4,8,9,10,13,18,22,23,30,34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato in view of Chang et al. US Patent Pub. 2002/0102967.

Regarding claims 4,8,9,10-13,18,22-25,30,34 and 35, while Sato teaches of receiving by the content server a service ID, Sato does not specifically teach of requesting by the content server the service ID.

However, Sato suggests this since the mobile terminal is requesting content and the content server must be able to request information if the content server is able to retrieve and transmit the information to the mobile terminal.

Nonetheless, Chang teaches that it was well known in the art to request by a content server a service ID from a global/local issuer, (fig. 2; paragraphs 10-13). Chang further teaches

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dynamically generating a BCMCS_ID and associating a lifetime value with the BCMCS_ID, (paragraphs 9 and 13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Sato by requesting content from a global or local issuer and generating a BCMCS_ID as suggested by Chang so that the content server can request data based upon the mobile terminal's needs.

Regarding claims 11 and 24, Sato teaches wherein the service ID comprises a BCMCS_ID, (page 38, line 24-page 39, line 2; [¶186]).

Regarding claims 12 and 25, Sato teaches associating an IP multicast address and UDP port number with the BCMCS_ID, (page 38, line 24-page 39, line 2; [¶186]).

Conclusion

9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9306, (for formal communications intended for entry)

Or:

(703) 872-9314, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ovidio Escalante whose telephone number is (703) 308-6262. The examiner can normally be reached on Monday to Friday from 6:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703) 305-4895. The fax phone number for this Group is (703) 872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [fan.tsang@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Ovidio Escalante
Examiner
Group 2645
October 24, 2003

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

